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**“Structural Change in the Music Industry: A Marxist Critique
of Public Statements made by Members of Metallica during the
Lawsuit against Napster”**

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Author bios

Dr Kieran James is a Senior Lecturer in Accounting at the University of the West of Scotland, Paisley, Renfrewshire, Scotland. He was formerly Accounting Professor at University of Fiji from 2013-15. He has published scholarly articles in the following journals: *Accounting Forum*, *Critical Perspectives on Accounting*, *International Journal of Critical Accounting*, *International Journal of Sport Management and Marketing*, *Musicology Australia*, *Pacific Accounting Review*, *Punk & Post Punk*, and *Sporting Traditions*. He runs a heavy-metal music website Busuk Chronicles which has had over 70,000 page-views as at 26 August 2017. At the age of 16 in 1985, he was the proud wearer of a denim jacket with an Iron Maiden Powerslave back-patch. He has been a Metallica fan since 1984-85.

Christopher (Chris) Tolliday has had an extensive working career in a number of fields including a Builder's Labourer when he was a Financial Member of Australia's left-wing trade union the Builders' Labourers' Federation (BLF). He continues to have an active interest in communism and post-communist studies; critical perspectives on religion; cultural Marxism; indigenous issues; Marxist issues; philosophy; popular music; postmodernism; and social justice issues. At the time of writing of this article he was in his final year of an undergraduate degree in Arts at Deakin University, Australia where he majored in sociology. He won the *Golden Key Award* for outstanding academic achievement at Deakin University.

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The Metal Militia lives on (at least in our hearts)!

Structural Change in the Music Industry: A Marxist Critique of Public Statements made by Members of Metallica during the Lawsuit against Napster

Abstract

The music industry is undergoing extremely rapid structural change not of its own choosing, and record labels will no longer be able to rely on coercive seven-record deals and business methods that have remained unchanged since the 1960s. This article provides a case study of the 2000-01 lawsuit by extreme-metal band Metallica against the rogue file-sharing service Napster as a compressed site for analysis in which we can analyse and unpack the music industry's present predicament, warped logic, and the greed of its various protagonists. The article is informed by a Marxist critique of public statements made by members of Metallica during what has come to be referred to as the "Napster incident". The band's departure from its previous existentialist and fraternal worldview in favour of a brutal form of Anglo-American market capitalism is exposed, and we conclude that long-term extreme-metal fans are justified in their vilification of the band. The band is accountable to the scene and the scene has decided that Metallica has violated normative scene ethics or, in other words, the scene's internal social contract. We also conclude that Metallica's Lars Ulrich's use of the analogy that a "carpenter should be able to dispose of his table in any way he wishes" is problematic and hides more than it reveals. Marx used the same carpenter's table analogy in the first chapter of Volume 1 of his *Capital* to highlight and expose how the capitalist mode of production presents as a relation between things what is really a social relation between men. Whilst Marx's table dances, Ulrich tries valiantly (but fails) to prevent us from seeing that his table is dancing as well.

Keywords: *accountability; Adorno; culture industry; existentialism; extreme-metal; Marxist economic theory; Metallica; music scenes; popular music; Sartre.*

Foreword, by Kieran James (August 2017)

This book was written mostly in calendar year 2008 either before the *Death Magnetic* album had been released (12 September 2008) or after it was released but before I had heard it. It reflects the anger and betrayal many fans of my generation, who had supported Metallica since *Ride the Lightning* days or even earlier, felt because of the Napster incident of 2000-2001 and the abysmal *St. Anger* album of 2003. I don't have this level of anger towards the band anymore. Maybe writing the article (as it was then) was a cathartic process. I admit that it was somewhat enjoyable bashing Lars Ulrich over the head with a weighty copy of Karl Marx's 1,100 page opus *Capital* Volume 1. Like Marx's *Capital*, our book was a product of its time. Nowadays Metallica has also redeemed itself through two reasonably strong albums *Death Magnetic* (2008) and *Hardwired ... to Self-Destruct* (2016). The band members have stopped threatening to sue the fans; Trujillo is likeable and humble; and the arrogance has been toned down somewhat in recent public comments. Please enjoy this book because it reflects the real anger towards Metallica which many older fans of the band were feeling in that time between the releases of *St. Anger* in 2003 and *Death Magnetic* in 2008. Please feel free to give me feedback through e-mail or through my Facebook page at: <https://www.facebook.com/kieran.james.94>

Best regards,
Kieran James,
Paisley, Renfrewshire, Scotland PA1 2BE,
29 August 2017.

“We are as one as we all are the same/ Fighting for one cause/ Leather and metal are our uniforms/ Protecting what we are/ Joining together to take on the world/ With our heavy metal/ Spreading the message to everyone here/ Come let yourself go” - Metallica, “Metal Militia” (1983).

“For the doubters out there, Metallica will carry on for the next 20 years ... whether you’re around for the ride or not, that’s your problem, not ours” - Lars Ulrich of Metallica during the “Napster incident” of 2000-2001.

“I borrowed this shirt from a friend. Maybe, if I like it, I’ll buy one of my own” – Napster creator Shawn Fanning speaking of his Metallica T-shirt at the 2000 MTV Video Music Awards.

“Nobody wants to get sued by Metallica” – Byron Stroud of Zimmers Hole (2008).

Introduction

Accountability is an important topic within the accounting literature. The sub-title of the *Critical Perspectives on Accounting* journal (at least around 1994) included the phrase “social accountability”. While the majority of Western authors have remained loyal to the agency theory idea of personal accountability to stockholders and creditors, this is not the only form of accountability that can be imagined. As an example, Ahmad and Gao (2004) note that in Libya the personal accountability concept of agency theory is generally not applicable. Instead, consistent with that country’s Islamic faith and traditions, a form of social accountability predominates. Carmona and Ezzamel (2007) state that accountability can exist without accounting (*ibid.*, pp. 180, 200) and that further research should study how accountability processes are embedded within social, political, economic, and religious contexts (*ibid.*, pp. 200-201, 203). There has been little research to date that has explored the accountability of individuals and small groups to clearly defined sub-cultural youth-based movements. We explore in this article the notions of accountability and ethics that presently exist in the sub-

cultural extreme-metal music scene, a scene that, according to Kahn-Harris (2007), manages to be both local and global at the same time. The scene imposes its own set of behavioural norms upon scene members and disciplines erring members as part of internal scene accountability processes.

Rose (1991, pp. 673-674) characterises governmentality practices under four headings: (a) voting; (b) opinion polls; (b) creation of governable persons; and (d) operationalisation of control. Although there are opinion polls within the scene they are not an overly important practice. This article focuses on those scene practices that create a governmental space and governmental persons and how control is operationalised within the scene. Since scene members both function in and have identities and relationships in “the scene” and in “the real-world”, the scene social contract only governs that part of the scene member’s life that involves the scene. To avoid scene discipline it is usually possible for a person to exit the scene completely and thus escape all penalties other than loss of the sub-cultural capital that is only of value within the confines of the scene. Like academic communities, the most important extreme-metal scene figures operate simultaneously in both local and global scenes whereas the ordinary metal fan’s primary interactions will be located within the confines of her / his local scene.

In the “Napster incident”, the high-profile and commercially successful extreme-metal band Metallica¹ sued Napster, a service that allowed fans to search for songs and artists on the Napster server and then download these songs for free from the computer of the fan who had the music (McIver, 2006). In its 13 April 2000 lawsuit, Metallica

¹ Wikipedia (2008) lists Metallica in the category of 75-100 million worldwide total album sales, the same category as Guns’N’Roses, KISS, Scorpions, and Van Halen, other 1970s-80s heavy-metal bands who “crossed over” successfully into “the mainstream”. This is more than artists such as Bob Dylan, Bob Marley, Bruce Springsteen, Bryan Adams, Linkin Park, Nirvana, Pearl Jam, The Police, Spice Girls, and Tupac Shakur who are in the 50-75 million category (*ibid.*).

also took direct action against three leading American universities for permitting students to utilise the Napster service from their servers, these universities being University of Southern California; Yale University; and Indiana University. The precise allegations made against Napster and the universities were: copyright infringement; unlawful use of a digital audio interface device; and violations of the *Racketeering Influenced & Corrupt Organizations Act* (McIver, 2006, p. 274).

To illustrate our general arguments, we use as a case study the “falling from grace” of Metallica as a consequence of its major shift in musical style, beginning with 1991’s untitled “black” album², and the public-relations fallout from what has become known as the “Napster incident” of 2000-2001.

In particular, we analyse in this article the events that occurred and the public statements made by drummer and founding member Lars Ulrich and other Metallica band members during the Napster incident. First of all, we analyse the internal logic of the band members’ public statements and attempt to gain insight into Ulrich’s perspective of capitalism and ethics within the type of capitalism that he espouses. We observe how the band’s arrogance and hyper-capitalist worldview in 2000-2001 led to a disciplinary backlash being made by scene members against Metallica as part of internal scene accountability processes.

Ulrich’s statements and worldview in 2000-2001 are contrasted with his band’s formative years in the early-80s when tape-trading among heavy-metal fans of early Metallica demos *No Life till Leather* and *Live Metal up your Ass* were an instrumental part of the band’s rise

² As at 9 May 2008, Metallica’s black album was equal number 27 on the Recording Industry Association of America’s (RIAA) (2008)’s list of all-time best selling albums (US sales only) with 14 million copies sold. The other Metallica albums which appear on RIAA’s “List of 100 Best-Selling Albums of All Time” have sold the following numbers of copies (as at the same date): ...*And Justice For All* (1988) 8 million; *Master of Puppets* (1986) 6 million; *Garage Inc.* [album of covers material] (1998) 5 million; *Ride The Lightning* (1984) 5 million; *S&M* (1999) 5 million; and *Load* (1996) 5 million (RIAA, 2008). *Rolling Stone* magazine rates *Master of Puppets* as the 167th best album of all time while it lists the black album at number 252 (Rolling Stone, 2003).

from the metal underground to become major players in the entertainment industry.

We show in this article that Metallica, definitely around the turn of the millennium but probably much earlier, abandoned its former fraternal ideals and existentialism in favour of a support for brutal American capitalism and subservience (Adorno, 1991a, 1991b; Marcuse, 1964; Walser, 1993). Although the scene cannot be said to be anti-capitalist in the orthodox Marxist sense it does provide an important form of Foucauldian localised resistance (Flynn, 1994; Foucault, 1980a, 1980b, 1980c, 1988a, 1988b, 1988c, 1991; Sawicki, 1994) against the dominant discourses of global capital (Adorno, 1991a, 1991b, 1994; Baulch, 2003; Kahn-Harris, 2007). Robert Walser (1993, p. 171), Professor and Chair of Musicology at the University of California Los Angeles, concludes his book on heavy-metal with the comment:

“Heavy metal, like all culture, can be read as an index of attempts to survive the present and imagine something better for the future; it is one among many coherent but richly conflicted records of people’s struggles to make sense of the contradictions they have inherited, the tensions that drive and limit their lives”.

Resistance against the “new Metallica” that emerged during the 90s tended to take the primary form of exclusion from social networks; (b) hostile online forum postings and album reviews; and (c) homemade anti-Metallica websites and similar publications. This Foucauldian localised resistance opened up important new discursive spaces for debates on scene ethics and the obligations that the scene may rightfully demand of its members. The scene’s discipline was effective to a certain extent in terms of stripping Metallica of sub-cultural capital. However, Metallica was not harmed significantly in terms of financial capital. Its fan base is now sufficiently diverse and young that scene discipline imparted by mostly older fans that “grew up with” the band had only a marginal effect. Metallica’s diversification out of extreme-metal in terms

of its sound and look, beginning in 1991 with the release of the black album, was the catalyst that allowed it to survive financially largely unscathed from internal extreme-metal scene disciplinary processes. The Metallica “commodity”, while no longer containing much in the way of radical social critiques or emancipatory spirit, continues to be a commodity that sells. Metallica no longer resists capitalism; instead the brand-name “Metallica” is a message and instrument of capitalist hegemony (Adorno, 1991a, 1991b).

It is hoped that the present article can prompt further debate on such issues as the ethics of a music band changing its music style, ideology, and accepted methods of distribution and exactly what obligations a band (especially an extreme-metal band) owes to its fans and vice-versa. It is these ethical obligations that the extreme-metal scene will attempt to reinforce through scene discourses upon erring scene members as part of the overall accountability structure that operates within the scene. This ethical issue of exactly what obligations a band (especially an extreme-metal band) owes to its fans and vice-versa was explored by White (2007) in the specific context of Metallica and further discussion is warranted by academic authors.

The authors of the present article ponder aloud whether the values that an extreme-metal band espouses during its formative years can ever be retained once its commercial success reaches such a level that rock-star status is attained and the band’s operations are fully a part of mainstream capitalism. In other words, in neo-Marxist / Althusserian terminology, will the economic base always be primary “*in the last instance*” (Althusser, 2008, p. 9) over the cultural superstructure even within the creative youth-based extreme-metal scene? To quote life-long radical Joe Strummer (1952-2002) of the Clash from the 1979 song “Death or Glory”, “I believe in this and it’s been tested by research /

[that] he who f***s nuns will later join the church” (cited in James, 2008a in the critical accounting literature). Metallica’s band members, as they have grown older, richer, and started families, have gone through a process of normalisation (Adorno, 1991a, 1991b, 1994; Foucault, 1979, 1980a, 1980b, 1980c, 1988a, 1988b, 1988c), and abandoned much of their former youthful radicalism and idealism.

Since much of Metallica’s early existentialist message reflected guitarist / vocalist James Hetfield’s personal struggles as a young man in freeing himself from the oppressive dogmas and practices of his parents’ strict Christian Science faith (Irwin, 2007; Lindholm, 2007; Sotos, 2007), it has been hard (even when it tried) for the band to re-invent itself in its more mature years with the same level of personal authenticity and urgency³. As Irwin (2007, p. 28) writes about Hetfield: “As much as we identify with him, Hetfield is no saint and surely he faces future challenges. Still, for many of us, his journey is our journey”⁴.

The band’s most sincere (desperate?) efforts to appear as both “authentic” and “mature” on the 2003 *St. Anger* album and the 2004 DVD *Metallica: Some Kind of Monster* are widely regarded, especially by older fans, as having been spectacular failures. Just as Bryer (1999) set up an intriguing contest between Marx and the Financial Accounting Standards Board, so do we let leash Adorno (1991b, p. 89) against the Metallica of *St. Anger* which appears to have met its match: “[T]hose who are so utterly compliant with the expected behaviour ... can even simulate the signs of resistance spontaneously precisely because they no longer feel such resistance in themselves”. David Cooper (editor of the

³ Regarding the importance of Hetfield’s personal struggles for the lyrical worldview of early Metallica, note the chapter titles in the *Metallica and Philosophy: A Crash Course in Brain Surgery* (2007) book: “The Search goes on: Christian, Warrior, Buddhist” (referring to the three chronological phases in Hetfield’s search) and “The Struggle Within: Hetfield, Kierkegaard, and the Pursuit of Authenticity”.

⁴ However, Adorno (1991a, p. 42) warns us that: “[r]adical reification produces its own pretence of immediacy and intimacy”. Did we fans of early Metallica identify with Hetfield or with some projected part of ourselves?

Critical Perspectives on Accounting journal) asked us perceptively at *CPA Conference 2008* why Metallica has *not* been permitted by the scene to “re-invent” itself in the same way as for example Dylan has (and the Clash has)? This requires a complex answer that must relate to Metallica’s early message; its history; its key personalities; and an understanding of the sociology of the extreme-metal scene in the early-80s that gave birth to Metallica and that basically today still remains a hard task-master.

Overall we conclude that a major discursive and ideological shift occurred in the 90s when Metallica abandoned its earlier existentialist and fraternal “metal-brotherhood” beliefs in favour of a particularly brutal form of Anglo-American market capitalism. The band members do not presently appear to regard themselves as being accountable to the extreme-metal scene and thus they act in ways dismissive of and hostile to the normative ethics of the scene. Possibly the band can be viewed as continually re-creating itself in the manner of Jean-Paul Sartre’s (2004, 2006) existentialist philosophy, at times acting in a way supported by the scene and at other times choosing a different path (Sotos, 2007, p. 95; Wisniewski, 2007, p. 64). This is consistent with David Cooper’s comment regarding Dylan. If this is so then it is an irony that appears to be lost upon the older members of the scene who grew up with Metallica but who now find in the band nothing that they can identify with or appreciate. Until such time as the band formally signals its wish to exit the extreme-metal scene, the scene can be expected to continue to hold the band accountable to the “extreme-metal scene social contract”.

Lastly, we provide a Marxist critique of public statements made by members of Metallica, and especially by Ulrich, during the Napster incident⁵. We agree with Terry Eagleton (2002, p. 70) that: “Marxist

⁵ Ours is not the first Marxist critique or interpretation of heavy-metal music. Walser (1993, pp. 165-170) analyses the lyrics of Guns’N’Roses’ “Welcome to the Jungle” and “Paradise City” (1987) and

criticism is not just an alternative technique for interpreting *Paradise Lost* or *Middlemarch*. It is part of our liberation from oppression”. Much of the power of a Marxist critique lies in the fact that, for Leon Trotsky (2004, p. 233), it “calls things by their real names”. In our critique, we aim to follow Eagleton’s (2002, p. 44, emphasis original) advice that: “the author need not foist his own political views upon the work because, if he reveals the real and potential forces *objectively* at work in a situation, he is already in that sense partisan”. Furthermore, “[a]rt for him [Brecht] should expose rather than remove these contradictions, thus stimulating men to abolish them in real life” (*ibid.*, p. 65).

Ulrich’s capitalism is seen to be particularly brutal (Adorno, 1991a, 1991b; Marcuse, 1964; Walser, 1993, p. 140). His idea of the “level-playing field” (of capitalism) is critiqued and dismissed as being far removed from any notion of ethics or equity (Adorno, 1991b, p. 88). His analogy of the carpenter’s table is particularly telling since this is the exact same analogy used by Marx in Volume 1 of his *Capital* to indicate the power of commodity fetishism within late capitalism. Whilst Marx describes his carpenter’s table as dancing so as to direct attention to the fact that commodities under capitalist production obscure a social relation among men, Ulrich is content to worship the dancing table and divert our attention *away from* the social relations that commodity exchange obscures.

finds similarities between singer Axl Rose’s sophisticated and dialectical analysis of the consumer capitalist society his band had encountered when they first moved to LA with Marx and Engels’ writings in the *Communist Manifesto* of 1848 (Marx and Engels, 1992).

The History and Sociology of the Extreme-Metal Music Scene

The term “extreme-metal scene”, as used by the academic sociologist Keith Kahn-Harris (2007; see also Harris, 2000, 2001), is a generally accepted contemporary umbrella term used to refer to extreme-metal bands, musicians, fans and their associated outlets for publication, meeting points, and discourses (now to a large extent conducted online). As a musical category, “extreme-metal” refers to heavy-metal music of the most extreme kind in terms of sound, look, image, CD cover art, and song titles / lyrics. It includes several sub-scenes that revolve around black-metal, death-metal, doom-metal, grindcore, and thrash-metal.⁶ The term “heavy-metal” is used generally and in this article to refer to the unified scene of the 80s before the scene became fragmented, splitting into its assorted sub-genres (Walser, 1993, p. 13). The existence of sub-genres of heavy-metal after around 1987-1988 tended to impose a limit upon the wider appeal of any one band or sub-genre and in this sense the incredible success of Metallica can be viewed as being a unique product of the 80s’ unity within heavy-metal.

Baulch (2003) and Kahn-Harris (2007) characterise the extreme-metal scene as being simultaneously both local and global. It is localised to the extent that it revolves around locally-based record labels; music clubs; recording studios; and music stores. For example, the Norwegian black-metal scene of the early-90s revolved around Mayhem guitarist

⁶ Thrash-metal was invented prior to extreme-metal being first used as an umbrella term for the modern scene and has been retrospectively added to the extreme-metal category. Metallica’s first four albums are thrash-metal whilst 1991’s black album is hard-rock and *Load* and *Reload* are alternative-rock with blues and country influences. 2003’s *St Anger* represents a return to a form of (modernised and sub-standard) thrash that gives a nod to various contemporary 90s trends in heavy-rock (such as the absence of guitar solos). Purcell (2003) and Mudrian (2004) provide good introductions to death-metal and grindcore; Moynihan and Söderlind (2003) provide a comprehensive and fascinating introduction to the early-90s Norwegian black-metal scene, and the more modern scenes that the Norwegian scene has spawned including those located in the former Communist countries of Eastern Europe and the Soviet Union; whilst Kahn-Harris (2007) analyses the contemporary extreme-metal scene from the perspective of an academic sociologist who is also a scene insider. Previously Kahn-Harris was a journalist for the world’s leading extreme-metal monthly hard-copy magazine *Terrorizer*. In his early academic work (e.g. Harris, 2000, 2001), he wrote under the name of Harris.

Euronymous (real name Øystein Aarseth)'s music shop Helvete ("Hell" in Norwegian) in Oslo's Old Town, where fans and bands from the west coast of Norway and especially Bergen would often stay the night before journeying home (Moynihan and Söderlind, 2003, p. 72).

Nearly every country in the world presently has one or more localised extreme-metal scenes with more or less strong or weak connections to the scenic hubs located in Florida, New York, Norway, and Sweden. The same legendary bands, mostly American and Swedish in the case of death-metal and Norwegian in the case of black-metal, are revered by all local scenes worldwide and are considered "non-negotiable" if a local scene wants to be recognised globally.

Baulch (2003) notes the continued popularity and importance of the first-generation American death-metal bands Cannibal Corpse and Obituary to the Balinese death / thrash scene. She concludes that these bands are a form of international currency whose sub-cultural capital local scene members can utilise to re-affirm group and individual identities and strengthen group bonds. The Balinese death / thrash scene commands respect locally in Bali as a viable outpost of an international movement; the scene represents an important form of Foucauldian localised resistance against the encroachment of the hegemony of international tourism over all facets of Balinese life (since death-metal bands are not invited to play in front of tourists). As Purcell (2003, p. 192) argues: "heroes like Alex Webster [bassist of Cannibal Corpse] are real. They are not unattainable, media-produced images of perfection. They are a part of the scene that they have created". This picture of accessibility is enhanced by the on-stage and off-stage uniform of death-metal bands being black band T-shirts plus jeans or army shorts.

The two most important extreme-metal sub-scenes are those of black-metal and death-metal. Whilst it is surely not correct to presume

that every death-metal fan is a black-metal fan and vice versa probably the majority of fans support bands in both sub-genres (although the bands themselves usually but not always stick to one style). The sub-genre boundaries are not fixed for all time with scene insiders suggesting that at the margins both black- and doom-metal (Attila of Mayhem, cited in Horsley, 2008, p. 54) and black- and death-metal (Shane Howard of Martriden, cited in Mikkelsen, 2008, p. 46) are converging as part of a natural evolution.

Black-metal is a melancholic and depressive music that highlights personal introspection and religious experimentation and non-conformity. The most important bands in the Norwegian black-metal scene have been Burzum, Darkthrone, Emperor, Gorgoroth, Immortal, Mayhem, and Satyricon (we should also mention Dark Funeral and Marduk from Sweden), all of which remained active as at late-2008 (the date of writing of this article) with the exception of Emperor. Vocals are black-metal style shrieks and music is fast, claustrophobic, and chaotic, dominated by rapid-fire drumming “blast-beats”. The music itself mixes heavy-metal noise with sound effects such as spoken words parts, acoustic instrumentation, chanting, and church bells. Nietzschean views about institutionalised religion have gained ground within the scene to the extent that Nietzsche is often acknowledged explicitly (see Moynihan and Söderlind, 2003). Band photos are often set in Norwegian forests at dusk as part of the black-metal aesthetic.

There is a strong nationalist pagan element in the scene’s ideology and mythology that for some bands has progressed all the way through Norse heathen mythology to National Socialism. Anton LaVey’s brand of Satanism has generally been rejected as being too humanistic although scene legends, such as Ihsahn formerly of Emperor and King ov Hell of Gorgoroth, have moved away in theory and practice from “medieval”

Satanism and church burnings to a more sophisticated Satanism that aims to fight institutionalised Christian religion primarily in the realm of ideology and discourse (Moynihan and Söderlind, 2003, pp. 102-103, 218-223, 348; Pamballis, 2008, p. 20). Whilst scene leader Euronymous of Mayhem presented an “evil” image on stage, in the media, and in front of influential youngsters at his shop, it was always believed that this image did not completely reflect his actual personality (Moynihan and Söderlind, 2003, pp. 38-39, 44, 71-75, 125, 137).

By contrast, for Varg Vikernes of Bergen’s Burzum, the contradictions between ideology and practice and between music and action became unsustainable and Vikernes was the first to translate the scene’s ideology into action. This began with the infamous burning of the Fantoft Stave Church just outside Bergen on the morning of 6 June 1992. This church burning, more than any other, has become an enduring symbol of Norwegian black-metal both within the scene and outside it (Moynihan and Söderlind, 2003, p. 92). The claimed ideology behind it has been that Norwegian churches are often built over the top of pre-Christian heathen sites of religious significance and hence the black-metallars are reigniting a 1,000 year-old religious war that is every bit as real to its protagonists as the religious-political conflict between the Catholics and Protestants in Northern Ireland is real to its (Moynihan and Söderlind, 2003, pp. 87, 107-108, 163).

Vikernes was arrested and sentenced in 1994 to 21 years (the equivalent of a life-sentence in the context of social-democratic Norway) for the murder of Euronymous, arson, and the possession of explosives (Moynihan and Söderlind, 2003, p. 141). Bård Eithun of Emperor was sentenced to 14 years for the stabbing murder of a homosexual in Oslo. Moynihan and Söderlind (2003, p. 144) claim that Vikernes “has a point” that in some sense he is a political prisoner in Norway since his sentence

was remarkably severe for someone of his age and lack of prior convictions. After these sentences, criminal action and prison sentences had impacted significantly upon the entire scene's leading bands with the sole exception of Darkthrone.

In contrast to black-metal bands, death-metal bands focus either on themes of personalised violence, sometimes sexualised violence against a female Other in the case of the early Cannibal Corpse albums (1991's *Butchered at Birth* through to 1994's *The Bleeding*) (Harris, 2001; James, 2007; Kahn-Harris, 2007; Phillipov, 2006; Purcell, 2003, pp. 43-44) or existentialist tales of personal struggles that may involve some form of critique of society and / or institutionalised religion (e.g. Deicide, Immolation, Incantation, Malevolent Creation, Obituary, Suffocation, Vital Remains) (Harris, 2000; Purcell, 2003).

The lyrics of Deicide and Immolation, according to Purcell (2003, p. 165), express anger at God and the church and can be viewed (in her opinion) as encouraging a somewhat simplistic association of the church with the bourgeoisie and the heathen with the proletariat. In the song "Blame it on God" on 1997's *Serpents of the Light*, Deicide's Glen Benton refers to God the Father abandoning Jesus on the cross and suggests that this is paralleled by our abandonment by God in this present world (Purcell, 2003, pp. 41-42, 165). In similar manner, but in a generally more thoughtful vein, Immolation's sophisticated lyrics resonate with the existential anguish caused by loss of personal religious faith (the band members were raised as Catholics) (Purcell, 2003, pp. 41, 165).

Death-metal vocals are growled rather than shrieked and the predominant emotion is aggression rather than depression or introspection. Unlike black-metal, death-metal has few links with European pre-Christian heathenism (except for the band Unleashed) which is natural since it has largely been an American sub-genre; the

leading Swedish bands have not strayed far from the lyrical themes of the American groups. The rapid-fire drumming blast-beats and note-dense chaotic and claustrophobic soundscapes of death-metal songs mimic the troubled thought lives of the songs' narrators (often serial killers or the mentally deranged) and / or the forces of society crowding around and pressurising the narrators into aggression and violence (James, 2007; Walser, 1993, pp. 157, 159). The boundaries between the external world and the narrators' thought lives are deliberately broken down so as to suggest either the breakdown of mental stability or that the narrator has been able to reach (like the lead character Raskolnikov in Dostoyevsky's (2003a) *Crime and Punishment* and the narrator in the same author's (2003b) *The House of the Dead*) an empowering and life-affirming synthesis of inner and outer worlds.

The major death-metal scenes centre on Florida, New York, and Sweden. Leading bands of the Florida scene of the early-90s (which were still active in late-2008) included Cannibal Corpse, Deicide, Malevolent Creation, Monstrosity, Morbid Angel, and Obituary. The Florida's scene's spiritual base has always been the Morrisound recording studio where the sub-genre's classic albums of the early-90s were recorded under the guiding hand of legendary scene producer Scott Burns.

The New York scene has always remained separate from the Florida scene. Legendary bands from the New York scene include the so-called "shun" bands Incantation, Immolation, Mortician, and Suffocation. The reformation of Suffocation in the mid-2000s and the emergence of Suffocation's African-American drummer Mike Smith as a charismatic and reflective scene spokesperson helped to re-ignite the New York scene both locally and worldwide (James, 2007). Smith's anti-Bush rhetoric is as far as the death-metal sub-scene has tended to go in terms of political and social activism with the exception of Napalm Death which has

always simultaneously been regarded as a part of the (more overtly political) hardcore punk scene. Smith's anti-Bush rhetoric and Democrats allegiance, when seen in the context of his African-American background, suggests that his aggressive drumming blast-beats on Suffocation albums can be viewed as a personal social protest against the injustices and inequalities of American society. A more detailed analysis of Smith's ideology, as reflected in his recent online interviews with extreme-metal websites, is provided in James (2007). Important bands associated with the Swedish death-metal scene are: Dismember; Entombed; Grave; Hypocrisy; Unleashed; Visceral Bleeding; and Vomitory, all of which remained active as at the date of writing (2008).

Background to Metallica

This section provides background information about Metallica and provides an existentialist analysis of the lyrics of its early-period full-length studio albums, defined as 1983's *Kill 'em All* through to 1988's *...And Justice for All*. It is argued that the band's abandonment of its fraternal ideals of "metal brotherhood" and existentialism, in favour of a brutal Anglo-American capitalism (Adorno, 1991a, 1991b; Walser, 1993, p. 140), was one reason why the Napster incident aroused so much animosity among long-time fans of the band, an animosity which led to the formation of websites such as www.metallicasucks.com and www.killmetallica.com⁷.

Our "Metallica is an existentialist band" hypothesis draws heavily upon the work of Wisniewski (2007) and Lindholm (2007), writing in the newly released book *Metallica and Philosophy: A Crash Course in Brain Surgery*. Both Wisniewski (2007) and Lindholm (2007), drawing upon Albert Camus and Jean-Paul Sartre (Wisniewski) and Søren Kierkegaard (Lindholm), argue that Metallica's early lyrics define its position as an existentialist band. To deny that the band's early worldview was existentialist would be to deny the authenticity and anguish of James Hetfield's personal struggle to free himself from the oppressive dogmas of his parents' strict Christian Science faith (Irwin, 2007). Such a faith could be viewed as a Nietzschean "herd ideology". For Nietzsche and the other existentialists, authenticity and freedom involve in part the freeing oneself from herd ideologies. As in Nietzsche (1973, 1990) and Sartre (2004, 2006), an existentialist creates her / his own values through her / his choices. It is not correct to say that all pop / rock music is existentialist since much of mainstream music involves passive or active acceptance of herd ideologies such as true love, romance, passion,

⁷ Both these sites are now defunct but some archival content remained accessible to the public as at late-2008.

jealousy, materialism, career success, etc. As Irwin (2007, p. 23) writes: “Metallica’s lyrics are completely without the usual [herd ideology] bullshit about fast women and fast cars (except “Fuel”)”. Wisniewski (2007, p. 55) agrees, pointing out that early Metallica “rejected normalcy and conformity and tackled topics you simply didn’t hear about in the top 40”. Even the Metallica ballad “Nothing Else Matters” (1991) is existentialist since the male narrator urges his girlfriend to remember and be inspired by the things they have done and the lives they have created together; whereas a pop-music love song would often involve just passive admiration of the looks or perhaps personal qualities of the loved one⁸. Existentialist music is more likely to be found in the “alternative” music genres of punk and extreme-metal (as well as country music) where authenticity, honesty, and struggle are especially prized⁹.

The historical information about Metallica in this section draws largely upon McIver (2006). Metallica was formed in Los Angeles (LA) in 1982 when drummer Lars Ulrich, a recent Danish immigrant and son of famed Danish tennis-player Torben Ulrich, joined forces with other teenage hopefuls vocalist / rhythm guitarist James Hetfield, bassist Ron McGovney, and lead guitarist David “Dave” Mustaine (who would later become the leading member of Megadeth). The four band members’ intentions were to create a radical and powerful new musical sub-genre by combining the speed, aggression and “do-it-yourself” (DIY) ethic of the mid-70s “first wave of punk” movement (James, 2008a, 2008b) with the technical proficiency of The New Wave of British Heavy Metal (NWOBHM) (Kahn-Harris, 2007; Purcell, 2003, p. 53; Walser, 1993, p. 14). The band felt that the glam-metal stronghold of LA would not be the

⁸ This sentence was added to the article on 26 August 2017 (in time for the book publication).

⁹ For example, James (2008a, 2008b) and James and Haigh (2008) label the “first wave of punk” that hit the UK between 1976 and 1978 in the form of bands such as the Sex Pistols and the Clash an existentialist movement. Clash manager Bernie Rhodes in the immediately pre-Clash days once asked future Clash members Mick Jones and Paul Simonon whether they “had read any Jean-Paul Sartre”!

ideal place to develop their fast and aggressive new sound and so Ulrich, Mustaine and Hetfield (McGovney had been fired) relocated to San Francisco in December 1982 (Kahn-Harris, 2007; McIver, 2006, p. 84).

Another reason for the band's move to San Francisco (SF) was the insistence of their new bassist, the classically-trained Cliff Burton, who had not been willing to join the band unless the three other members relocated permanently to his home city (McIver, 2006, p. 77). Metallica's first jam session featuring Cliff Burton was held on 28 December 1982, while the first show featuring Burton was held at SF's Stone on 5 March 1983 (McIver, 2006, p. 85).

Metallica became part of a thriving new scene in SF, where like-minded young bands played this new super-fast form of heavy-metal in a few select clubs (Ruthie's Inn, Old Waldorf, the Mabuhay Gardens, and the Stone; McIver, 2006, p. 88) to a very appreciative, small but growing audience. Other thrash-metal bands that were a part of the SF scene (later to become known worldwide as the "Bay-area [or Bay Area] thrash scene"; Kahn-Harris, 2007, pp. 102-103) in those early days in the second half of 1982 and the first half of 1983 were Exodus, Possessed, Death Angel, and Testament (then known as Legacy) (McIver, 2006, pp. 84-96; Walser, 1993, p. 14).¹⁰

Metallica's worldwide influence as an important underground band grew significantly in 1982 and 1983 largely as a result of the pre-internet tape-trading scene. This scene involved heavy-metal fans around the world trading hand-made copies of new music with like-minded fans around the world (Kahn-Harris, 2007, pp. 83, 90; McIver, 2006; Mudrian, 2004; Purcell, 2003). Very rarely were tapes sold; exchange was the norm. Many bands of this era gained a large following outside

¹⁰ This list of bands (the bands are listed in the order of their entry to the scene) appears on p. 93 of McIver (2006) and is attributed to Eric Peterson, the founder of Testament.

their home cities nearly exclusively through this mechanism of tape-trading.

Metallica had three demo tapes, first *Power Metal* (April 1982; McIver, 2006, pp. 48-50); then *No Life 'till Leather* (June, 1982; McIver, 2006, pp. 63-65); and finally the live demo tape *Live Metal up your Ass* (recorded at SF's Old Waldorf on 29 November 1982; McIver, 2006, p. 75). All but the *Power Metal* demo were widely circulated among tape-traders and played a pivotal role in expanding the size of Metallica's worldwide fan base. As noted by Keith Kahn-Harris (2007, pp. 92-93), it is thus ironic (Kahn-Harris calls it "hypocrisy") that Ulrich attacked Napster and fans using the Napster service so relentlessly and vigorously in 2000 when in fact tape-trading by metal fans (of a type that was technically illegal back in the day) was a major factor which spread the word about his band in the early-80s. It was illegal tape-trading by heavy-metal fans in the early-80s that rapidly increased the size of Metallica's worldwide fan base. A DIY method of distribution, once applauded by the band, was by 2000-2001 relentlessly and shamelessly being criticised and pursued.

Metallica fired the alcohol-fuelled Mustaine on their first trip to New York in March 1983, replacing him with Kirk Hammett, formerly of Exodus (McIver, 2006, pp. 104-106). The first Metallica show to feature Hammett was held on 16 April 1983 at the Showplace in New Jersey. The recruitment of lead guitarist Hammett cemented what still today is regarded by fans as the "classic" line-up of Ulrich, Hetfield, Burton, and Hammett and put Metallica way out of reach of the second-division acts led by Death Angel; Possessed; Legacy / Testament; and Hammett's former band Exodus.¹¹ The classic line-up of Metallica released the three

¹¹ Further south in LA, the ultra-aggressive Slayer was growing in importance and influence and the band released its debut album *Show no Mercy* in 1983 on Brian Slagel's fledgling Metal Blade label. However, due to the band's LA base, Slayer has never been considered to be part of the Bay Area thrash scene.

legendary albums, *Kill 'em All* (1983), *Ride the Lightning* (1984), and *Master of Puppets* (1986). This line-up was sadly abruptly terminated on 27 September 1986 with the unfortunate death of Burton who was crushed by their tour-bus when it fell over on a deserted section of Swedish highway near Ljungby (McIver, 2006, pp. 159-171).

Relentless touring followed and the band's second album *Ride the Lightning* (1984) demonstrated remarkable growth and development in the areas of songwriting and musicianship (McIver, 2006; Smit, 2005 review of *Annihilation of the Wicked* by Nile on Chroniclesofchaos.com). In addition, this album expanded its lyrical themes to consider the issue of ways to die including death by nuclear war ("Fight Fire with Fire"); death by execution ("Ride the Lightning"); death by war ("For whom the Bell tolls"); death by suicide ("Fade to Black"); and death by plague ("Creeping Death") (Sotos, 2007, p. 91; Wisnewski, 2007, p. 58).

Academic philosophers J. Jeremy Wisnewski (2007) and Philip Lindholm (2007) argue that early songs such as "Motorbreath" on *Kill 'em All* and "Escape" on *Ride the Lightning* reveal the clear existentialist position of the band. For example, the lyrics to "Escape" state: "Feed my brain with your so-called standards / who says that I ain't right?" (Wisnewski, 2007, p. 59). As Wisnewski (2007, p. 59) points out, the existentialist belief system is evident here since "Escape" refers not to escape from death (which is unavoidable) but escape instead from a dreary life and a life not of one's own choosing. The theme is reiterated in the song's chorus of: "Out for my own, out to be free / One with my mind, they just can't see / No need to hear things that they say / Life is for my own to live my own way". Lyrics of "Motorbreath", not quoted by Wisnewski but which also are totally consistent with his "Metallica are an existentialist band" hypothesis, are: "Those people who tell you not to take chances / They are all missing on what life is about / You only live

once so take hold of the chance / Don't end up like others the same song and dance" (cited in Nys, 2007, p. 43). As Adorno (1991b, p. 62) writes, "the very inexperience of the young ... can always mislead them into taking the ideals with which they have been pragmatically presented [by society and their elders] seriously".

The 1986 studio album *Master of Puppets (MOP)* introduced a new aspect to the existentialism themes. It looks at the various forces in society and social, political and religious institutions which aim to render a person docile, powerless, and subservient (Nys, 2007, p. 48; Wisniewski, 2007, pp. 59-61; see also Adorno, 1991a, 1991b, 1994; Althusser, 2008; Foucault, 1979; Marcuse, 1964, 1966, 1968a, 1968b, 1968c, 2008). In the songs on *MOP*, the narrator is either captured by or railing against, respectively, the force of his own aggressive impulses ("Battery"); drug addiction ("Master of Puppets"); a mental institution ("Welcome Home (Sanatorium)"); governments and military leaders who dispose of the lives of young men in war ("Disposable Heroes"); and televangelists who manipulate to maintain devotion and loyalty from the flock ("Leper Messiah"). As Nys (2007, p. 49) comments, "after *Kill 'Em All*, the rebellion and aggression became much more focused as the enemy became more clearly defined". Adorno (1991b, p. 60) could have been speaking of early Metallica when he wrote that: "[t]heir music gives form to that anxiety, that terror, that insight into the catastrophic situation which others merely evade by regressing". Early Metallica's harsh critiques of "the system" as opposed to named individuals (the few "bad eggs") would have especially impressed Adorno (1991b, p. 66).¹²

The key for Sartre, Wisniewski, and early Metallica is retaining our personal authenticity and there is no formula to achieve this. We must not "join the endless chain / Taken by his glamour" (to cite "Leper

¹² *MOP* seems ripe for a Foucauldian analysis. A brief Foucauldian analysis of Metallica lyrics is indeed provided by Cameron (2007) – someone had to do it!

Messiah”) but instead, we must choose, as Metallica duly reminds us in “Damage Inc” (also on *MOP*), between “Living on your knees, conformity / or dying on your feet for honesty”.

The “one-for-all, all-for-one” aspect of Metallica’s early philosophy is evident in many of the early lyrics, especially in the lines of 1983’s “Metal Militia” quoted at the beginning of section 1 of the present article. The quoted “Metal Militia” lyrics hint at the inter-connection between individualism and conformity. Existentialism is an individual pursuit but then if like-minded people pursue such a lifestyle at the same time and drawing on the same material for inspiration then there is a clear communal aspect (Irwin, 2007, p. 20; Nys, 2007, p. 43). The existentialist / male-bonding lyrics of “Metal Militia”, with Metallica appropriating the male bonding theme from earlier songs in the genre¹³, meant that heavy-metal fans attracted to such themes naturally gravitated towards Metallica.

The contradiction between youthful idealism and the siren-call of money can be seen as becoming untenable for Metallica around the release of *...And Justice For All* (1988) when the long songs and intricate song structures, whilst still containing a counter-hegemonic lyrical message, had begun to fall apart and the overall package lost its internal dynamism and clarity. The album’s lyrical attack on the partiality of the US justice system on the title track (Fudge, 2007, p. 7) and on the sexual proclivities of Catholic priests on “Harvester of Sorrows” was largely unmarketable to anyone outside the extreme-metal scene and limited the ability of the band to “cross-over” to “the mainstream”. The eight-minute plus length of many of the album’s songs were also limiting growth potential. Even some long-term fans were now seeing the long songs as “overwanked labyrinths” and “ego jerks” (Popoff, 2005, p. 224) rather

¹³ These earlier songs include “Take on the World” (1978) and “United” (1980) by Judas Priest; and “Never Surrender” (1981) and “Denim and Leather” (1981) by Saxon.

than as being strictly necessary for artistic purposes. The death of Burton, who had not been openly grieved for and who had been replaced very quickly by Jason Newstead, also left the band as a seething mess of unresolved emotions and misdirected anger. The focus and clarity of its social critique, whilst still present in spirit in 1988, was now much more confused; the events of the past two years had sapped much energy from the band whose members had turned to alcohol (Engelen, 2007, p. 35) and ganging up on the newcomer Newstead instead of attempting to properly deal with its grief. The band's spirit had weakened by 1988 and it was ripe for a "takeover" by the hegemonic capitalist agents who had been sniffing pots of money in the vicinity of the band for several years. The band members were very interested in making more money as well.

The contradiction between youthful idealism and the spirit of capitalism that is so vividly described in Adorno's (1991a, 1991b) brilliant critiques of the popular culture industry, had become untenable for Metallica by 1988-1990 and the logical result was 1991's black album: an album of smooth commercial hard-rock in the form of 12 radio-friendly anthems ranging in length from 3:47 to 6:44 produced by new producer Bob Rock (who had worked previously with commercial hard-rockers Bon Jovi and Motley Crue). "Enter Sandman", the most well-known song on the album, was catchy hard-rock, whilst best-selling single "Nothing Else Matters" was a Scorpions-style ballad (with interesting lyrics).

The rot had set in but much of the fan base still remained on-board, being willing to view the album as experimentation and self re-creation. Some existentialist lyrical themes remained (Nys, 2007, p. 51), most notably on "The God That Failed", Hetfield's polemic against his mother's death that had been the result of the family's Christian Science religious beliefs banning medical treatment (Lindholm, 2007, pp. 71-72; Sotos, 2007, p. 95). There were also existentialist lyrics on "Nothing Else

Matters” and “The Struggle Within” although whose struggle it was and against what remains unclear (unlike the precise and specific criticisms of the *RTL* and *MOP* songs). Is it a veiled attack against music industry moguls or turncoat fans? The opening lines are: “Reaching out for something you've got to feel / While clutching to what you had thought was real / Kicking at a dead horse pleases you / No way of showing your gratitude”. However, the lyrics of the other songs were uninspired, trivial and / or blatantly mainstream. For example, “Of Wolf and Man” was about a werewolf: no social critique there. However, it was 1996’s *Load* album, an alt-rock, country, and blues amalgam that was the final straw for most old-time fans (including Mark White (2007, p. 206), Associate Professor in Department of Political Science, Economics, and Philosophy at College of Staten Island, New York).

The Napster incident of 2000-2001 proved for many that Metallica had become one of the hegemonic Repressive State Apparatuses of Althusserian theories (Althusser, 2008): the band had become the personification of everything that it had once despised. And yet the brand-name remained in much the same way as Stalin had previously surfed on the legitimacy of the name of the Bolshevik revolution (Trotsky, 2004). Many in 2000-2001 claimed that the true spirit of Metallica had died with Cliff Burton (Putterford, 1994, p. 13). Indeed it was only the dead that now dared to oppose Lars Ulrich whose art-collecting habits (McIver, 2006; Nys, 2007, p. 45) had rendered him an irrelevancy in the eyes of the fanbase even prior to the Napster incident.

Metallica Arguments and Public Statements during the Napster Incident and a Marxist informed Critique

This section of the article recounts the main public statements made by Metallica band members, Lars Ulrich (in particular), James Hetfield, Jason Newstead, and Kirk Hammett and provides a Marxist critique of these statements. Of particular interest is an investigation of whether public statements and actions reflect an abandonment of the earlier existentialist philosophy and, if so, exactly what it has been replaced by.

If the existentialist philosophy was loved and respected by the scene (as we believe that it was) then abandonment of that philosophy would leave the band open to disciplinary action imposed by the scene upon the band as a part of the scene's internal accountability processes. The internal logical consistency of the statements made by Ulrich is also investigated and his version of capitalism as it should be (i.e. the normative vision of the perfect capitalism that he was trying to pursue and protect via the legal action) is discussed and critiqued.

Of particular interest are Ulrich's comment of capitalism's "level playing-field" and his analogy of the carpenter who has the right to dispose of any table he crafts in any way that he chooses. This latter analogy is found to be fundamentally flawed since Metallica is nowadays a hugely successful capitalist machine (or Repressive State Apparatus; Althusser, 2008) associated with an equally huge major record label and not a sole trader craftsman humbly pursuing his trade. Using a Marxist critique, we argue that capitalism's principal internal contradiction is between the social ownership of production and the private ownership of wealth (Lenin, 2004, p. 186; Mao, 2007a, p. 85). Ulrich's carpenter table analogy is faulty because it recognises only one aspect of this contradiction, namely the private ownership of wealth which he regards as unproblematic.¹⁴

Further ethical obligations that most probably operate inside a band and fan community, at least within the contemporary extreme-metal scene, are: (a) the right of fans to access rare recordings by their favourite bands through whatever means not involving coercion; and (b) the brotherly communal obligations of bands and fans, which songs like “Metal Militia” (1983) hint at, to provide affordable ways for working-class fans to access band recordings (see also Kahn-Harris, 2007, p. 97 who talks about “global inequities in the possession of capital” among extreme-metal fans which limits the ability of some members to participate fully in the scene).¹⁵

In the Napster incident, Metallica refused to recognise that it had any moral obligation towards fans in either of these two areas. However, as Kahn-Harris (2007, p. 126, emphasis added) points out, “[m]aking money from the [extreme-metal] scene involves *certain obligations* that must be met if members are to maintain sub-cultural capital”. Consistent with this, Terrance Hobbs, guitarist and founding member of legendary New York death-metal act, Suffocation, implies that mutual ethical obligations do exist between bands and bands and between bands and fans within the scene: “To this day, the majority of all those people are still playing [in death-metal bands] and *they’re still holding up their end of the bargain* [i.e. to retain integrity and to not let the scene die]” (cited in Mudrian, 2004, p. 170, emphasis added). In fact, Kahn-Harris (2007, p. 124) argues that: “[a] professed altruistic commitment to the scene is

¹⁴ Mao (2007a, 2007b) argued that it is a major mistake to study only one aspect (side) of any contradiction.

¹⁵ Mark Twain wrote as follows about New York City in 1867: “[New York] is a splendid desert – a doomed and steeped solitude, where a stranger is lonely in the midst of a million of his race” (cited in Putnam, 2001, p. 207). Putnam (2001, p. 206) states that: “[l]iving in a major metropolitan agglomeration somehow weakens civic engagement and social capital”. The last three decades of the twentieth century witnessed a substantial decline in American civic and social engagement, according to Putnam (2001), and part of this trend can be explained by the large-scale shift from rural areas to the suburban wastelands of the major cities. With these events occurring, it is little wonder that many disenfranchised youth and young adults have sought identity, self-expression, and community within the new extreme-metal scene (a scene which succeeds in being both global and local at the same time; Harris, 2000; Baulch, 2003; Kahn-Harris, 2007).

part of a scenic ethic, adherence to which is itself a powerful source of sub-cultural capital". Kahn-Harris (2007, p. 125) goes on to add that: "[a]ltruistic ethics are threatened when there is the potential for some scene members to make a profit and when money changes hands, the potential for disagreement increases".

A third more debateable ethical obligation that a contemporary extreme-metal band owes to its fan community is not to make significant changes in musical style and / or band philosophy whilst using the same band name (White, 2007). So, in a further response to David Cooper's comment about Dylan's continual self re-creation mentioned earlier, if Metallica had changed its name few fans would probably have objected to its wholesale change in band ideology and musical style commencing with the black album of 1991. Dylan could not very well have changed his name as he was after all ... Dylan. The moral obligation to not significantly change music style while using the same band name has been repeatedly articulated and affirmed by members of important American death-metal band Cannibal Corpse in online interviews (see James, 2007 who offers a detailed study of Cannibal Corpse online interviews spanning the period 1996 to 2007). In similar vein, Mudrian (2004, p. 268) cites a statement by vocalist Matti Karki of Swedish death-metal band, Dismember, that: "if we [are] going to change the music, we might as well change the name of the band as well". This is the third ethical obligation Metallica arguably owes its fans. As Steve Tucker, vocalist / bassist for the legendary American death-metal band Morbid Angel is quoted as saying about extreme-metal fans: "[T]hese are the same people that are supposedly non-conformist [but] they have a complete lack of ability to accept change". Adorno (1991a, p. 51) said the same thing about the jazz and film fans of his day: "Again and again and

with stubborn malice, they demand the one dish they have once been served”.

This is obviously especially true of older fans in their 30s and 40s that “grew up with” Metallica. It was this sub-set of fans that was especially upset by Metallica’s attitude and action as revealed during the Napster incident and it was equally scornful of the new musical directions explored on the black album (1991); 1996’s *Load*; and 1997’s *Reload*. Kahn-Harris (2007, chap. 6) muses about this internal contradiction that Tucker claims characterises the extreme-metal fan community (i.e. they enjoy shocking and controversial album art and song lyrics but they have an extreme inability to accept change). He conceptualises this radical-conservative dialectic by reference to his theoretical concepts of “transgressive” and “mundane” sub-cultural capital¹⁶. A band must possess a minimum amount of both types of sub-cultural capital to remain accepted by the fan community over the longer-term. Too much transgression, and in particular certain types of transgression, is as bad as not enough (if not balanced by adequate mundanity which includes an “altruistic commitment to the scene” (Kahn-Harris, 2007, p. 124)). Even the Norwegian black-metal scene has generally decided that church burnings and other transgressive acts are not needed now that the scene has matured and the real effects of lengthy prison sentences upon scene members has become readily apparent (Moynihan and Söderlind, 2003, p. 316 and see especially the interviews with Ihsahn on pp. 102-103, 218-223). If most of the scene’s leading members are in prison that must reduce the musical productivity of the scene!

¹⁶ The concept of “sub-cultural capital” is borrowed from Thornton (1995) and is a direct extension of Bourdieu’s (1979, 1993) idea of “cultural capital”. Putnam (2001) uses the term “social capital” which is similar but more general – sub-cultural capital is a type of social capital invested in a particular sub-cultural scene and which has little value outside of that scene.

In the case of Metallica, the band members obviously preferred to utilise the existing b(r)and name for its alternative metal, blues, and country-inspired late-90s albums to take advantage of the marketability and reputation of the brand.¹⁷ The members of Metallica may well feel that the band is no longer an extreme-metal band and hence does not need to abide by the ethical norms of the extreme-metal community (which includes an “altruistic commitment to the scene”). However, we have never heard any band member make any statement to this effect probably because they do not want to formally disenfranchise an important segment of the traditional fan base.

The future net cash inflows that the Metallica brand is expected to generate is clearly a major consideration of the band members rather than any altruistic commitment to the scene. In the terminology of Kahn-Harris (2007, chap. 6), Metallica had, at the end of the 80s, substantial reserves of both transgressive and mundane sub-cultural capital. However, at least in the eyes of long-term fans, it was to lose much of both types of capital during the 90s. It lost its mundane capital due to its departure from the established “look” (witness the showy posed pictures complete with short hair on the back cover of the *Load* album) and “sound” of extreme-metal and by its arrogant treatment of fans. It lost its transgressive capital because firstly its experimentation was of a form too drastic to be acceptable to the scene (unlike the

¹⁷ The discussant for *CPA Conference 2008* Ruth Samiolo (London School of Economics) asked us whether Anglo-American market capitalism, being essentially based on individual pursuit of self-interest, could not be viewed as *being consistent with* existentialist philosophy which also focuses on the individual. This question has validity. However, we would like to respond with two points: (a) most existentialist authors, most notably Jean-Paul Sartre, were firmly left-of-centre in political orientation so it is a little odd to see existentialism being grouped together with free-market ideology; and (b) the extreme-metal scene clearly viewed Metallica’s actions and attitudes in 2000-2001 as being contrary to the spirit of the scene’s internal social contract. Although KISS has been openly and unashamedly capitalist since its inception in the 70s (it was recently reported that Gene Simmons paid Ace Frehley to purchase the rights to Ace’s face, i.e. his space-cadet make-up), KISS differs from Metallica in that (a) KISS’s values had not been viewed by the scene as having gone through a dramatic shift; and (b) as the scene got heavier in the 1980s KISS musically was no longer being viewed as “extreme”.

experimentation of, say, the death-metal band turned progressive rock act Opeth) and secondly its *Load* and *Reload* albums were not extremely original, creative, provocative, or musically proficient (i.e. they were simply a change in style but, within the new style, the music was not particularly interesting; McIver, 2006, pp. 253-254). Dylan and the Clash, while continually re-inventing themselves, continued to release high-quality and interesting music (e.g. The Clash's *Sandinista!* (1980) and *Combat Rock* (1982) albums).

Lars Ulrich's primary arguments during the Napster incident were as follows. We will evaluate each of these arguments (paraphrased) in turn:

(a) *"We are doing this [legal action against Napster] for the principle and not for the money which to us is just pocket-change. We are also doing this to protect young bands that may be substantially deprived of their livelihood"* (paraphrased).

The official statement made by Metallica in April 2000 before the online web-chat with fans held at ArtistDirect.com on 2 May of that year (McIver, 2006, p. 275) explored this particular theme. The statement read as follows:

"Metallica is suing Napster because we felt that someone had to address this important artistic issue, and we have always been known for taking a leadership role in the fight for artists' rights. We were the first band to sue our record company, Time Warner, for the right to control our future. Rather than allowing the record company or any other corporation to own our recordings and compositions, we chose to fight for (and eventually win) control of our music. This issue is no different. Why is it all of a sudden OK to get music for free? Why should music be free, when it costs artists money to record and produce it?"

Much of the fundamental logic that underpins Anglo-American market capitalism appears and is implied in this statement. The last two

questions, clearly intended as rhetorical, are problematic for a number of reasons. The relevant issues can be addressed either only within the specific context of the extreme-metal scene and / or they can be analysed from a whole-of-society viewpoint. We will primarily analyse the statements *within the context of the scene* because the scene worldwide is an important source of youth identity, self-consciousness, and community (Harris, 2000; Kahn-Harris, 2007; Purcell, 2003). By taking this perspective, we are also respecting the scene by analysing it on “its own terms”.

The first question: “Why is it all of a sudden OK to get music for free?” is historically inaccurate. The early-80s tape-trading scene involved “getting music for free” usually in exchange for another tape. The net result of one individual trade was the creation of *two new and completely free copies of already released heavy-metal music*. There is no doubt about the historical inaccuracy of Ulrich’s statement that implies that “getting music for free” had never happened prior to the formation of Napster. Kahn-Harris (2007) argues that global inequities in production and consumption of extreme-metal music, combined with the high cost until very recently of purchasing new CDs, means that arguably ethical obligations do exist within the scene to assist working-class fans and those from developing countries (such as the Balinese death / thrash fans discussed in Baulch, 2003) to be able to access extreme-metal material at a reasonable cost. It might even be (ethically) “OK” in certain circumstances for a fan to be able to access music for free.

Given that Kahn-Harris (2007) argues that commitment to the scene and to the less fortunate within the scene allows for the creation and maintenance of mundane sub-cultural capital, the action of Metallica and Napster seems to be detrimental to the internal workings

of the scene and also detrimental to those within it. Since Kahn-Harris (2007) argues that mundane sub-cultural capital accumulates both as a result of: (a) knowledge of the scene (p. 123); and (b) commitment to the scene and to the less fortunate within it (pp. 124-126), it follows logically that Metallica's action hinders the ability of *both* the receiver and the giver of music to expand their base of mundane sub-cultural capital. There is a betrayal here because Metallica's statement implies that its members are either unaware of or do not care about the way that mundane sub-cultural capital accrues within the scene. They also show a complete disregard for global inequities in the consumption of extreme-metal music. A more balanced and compassionate perspective on the downloading issue has been put forward recently by Nergal of Polish death-metal band Behemoth (Behemoth is one of the leading bands within the death-metal sub-genre but its profile and sales are nowhere near those of Metallica)¹⁸:

"It [the downloading issue is] complex. I don't like the fact that my album is out before the release date, because it takes away a lot of the magic. I was talking to Tom [Araya] from Slayer a couple of weeks ago and I asked him about that as well, and he agreed that a lot of that [magic] has disappeared from the scene. Me being a kid back in Poland, I still remember the feeling of getting a new album, and I remember how much effort you had to put in sometimes to get hold of any sort of music, especially in the Eighties when I was getting into metal. Tape trading, writing letters to bands -- it was exciting. These days, things are different. I don't know if things are worse or better, but they're definitely different. So I try and make the best of the situation, and I've actually downloaded a few things myself, but then if I like what I hear, I'm first in line to buy the record when it comes out. And that's all that I expect and that I hope for -- that fans will buy the album if they like it. *If someone got _The Apostasy_ online and they say to me: 'Hey man, it sucks', then by all means don't spend any money on it. But if you like it, then pick up a proper copy when it comes out*" (Jackie Smit interview with Nergal of Behemoth, 9 September 2007, www.chroniclesofchaos.com, emphasis added).

¹⁸ It is interesting how Nergal approvingly name-checks Tom Araya of Slayer. Slayer is an older and more established band within the scene than Behemoth. Here Nergal hopes to demonstrate credibility within the scene by using the Araya / Slayer reference as a signal of his own credibility and sub-cultural capital in the same way that a listed company might use a Big-4 auditing firm in order to signal the same thing to its stakeholders.

The last question posed by Ulrich in his statement “Why should music be free, when it costs artists money to record and produce it?” demonstrates an unusual logic. Even under mainstream contemporary marginalist economics, the production cost of a product is irrelevant to the demand curve and the price that consumers are willing to pay. According to Metallica’s logic, fans are expected to somehow contribute to the band’s profit-making ambitions. If the cost of production increases, it becomes the fans’ responsibility to pay a high enough per-unit price and shift enough units to both cover production costs and generate a profit for the artist and record label. It is understandable why Metallica’s members might regard this as their preferred state of the world but it is hard to see how this can be made into an ethical issue about what fans *should* do. Under the cold hard logic of market capitalism, if you can’t generate a profit then you go out of business. Isn’t Ulrich a self-confessed supporter of capitalism? Even Marx, with his definition of “socially necessary labour time” in *Capital* Volume 1 (Marx, 1976, pp. 129, 179-180) demonstrated that he fully understood this reality. It is a fundamental law of capitalist production and competition.¹⁹ User “5/4” on the Ultimate-Guitar.com (2007) online debate that revolved around discussion of alt-rock band Radiohead’s choice to allow fans to nominate a price (\$0 was acceptable) that they would pay to download a copy of *In Rainbows* from the internet, has it precisely right when she / he says: “[This is] Capitalism, boy. If we deem something worth paying for, we pay for it. If not, we don’t. Apparently it [*In Rainbows*] was good enough to pay for”.

¹⁹ According to Marx (1976, pp. 129, 179-180, 1981, pp. 283-286), production of products using more labour time than the industry average (which is the “socially necessary” time) adds no extra value to the product and cannot be passed on to consumers. If this was not the case, then the market would reward inefficiency. In Marx’s (1981, p. 285) words: “Those producing at the worst extreme then have to sell their commodities below their individual value [congealed labour-time], while those at the best extreme sell theirs above it”.

The literal implication of Metallica's statement is that if the cost of production hypothetically becomes negligible then the band's members would not have a problem with free or near-free fan access to recordings. However, it is hard to believe that the contemporary Metallica would be willing to go down this route. It is here that we can see that the position advocated by Metallica is really a confused amalgam of capitalism and traditional fraternal extreme-metal scene ethics (of the type that Judas Priest and Saxon were espousing in 1978 and 1980). In other words, Metallica implies that *only* because the costs of production are high does the band need to recoup its costs through sales revenue. The band's revealed ethical position can be interpreted as being that the fans *ethically* should pay Metallica's production costs. If this is a misreading of the band's position then why does its members feel any need at all to *remind* fans of the production costs of their music as if to be in the music industry was anything other than a choice (Sartre, 2004, 2006)?

Arrogant public statements by Ulrich include the following: "For the doubters out there, Metallica will carry on for the next 20 years ... whether you're around for the ride or not, that's your problem, not ours" (cited by McIver, 2006, p. 276). This inflammatory statement indicates that the band clearly feels no connection any more with the male-bonding metal brotherhood lyrics of "Metal Militia" and similar songs in its early material. There is a clear "us" and "you" dialectic set up here where the fans are no longer part of the metal brotherhood "we" (as in the "Metal Militia" lyrics quoted at the commencement of the article) but are relegated to being part of the "you", i.e. the "other". This is an extremely important discursive and philosophical shift made by the band; the re-positioning of the fan community in band member discourse from the "we" to the "you" is probably the single factor above

all others that led to the Napster incident being such a major public-relations disaster for Metallica.

Photographer Ross Halfin, who was commissioned for the official photo shoot for the *RTL* album back in 1984, was deeply upset by the band's approach and attitude as revealed through the Napster incident. Like Kahn-Harris (2007), Halfin regards the band as being guilty of gross hypocrisy. In Halfin's words: "But the thing is, if it had been 1986, they would have been all for Napster. They would have been copying everything for themselves. So you gotta look at it like that. And he's done himself a lot of damage with it [referring to Lars Ulrich]. It's the arrogance of it all, really" (cited in McIver, 2006, p. 276). In this quote, Halfin, once a band "insider", seems to equate the arrogance with the hypocrisy. Halfin implies that Ulrich is arrogant *because of* his hypocrisy and the one is in direct proportion to the other. His view contrasts with that of Joel McIver (McIver, 2006) who claims that Metallica's *choice of words* and *personal style* was arrogant during the Napster incident whilst its action (i.e. the legal action) was justified.

On 25 May 2000, Ulrich gave an hour long interview with online magazine *Slashdot* where he made several comments about the Napster incident (*ibid.*, p. 277). We first consider here Ulrich's statement about his action being done on the basis of principles; one key principle being the need to support financially challenged small bands:

"Where it *can* affect people, where it *is* about money, is for the band that sells 600 copies of their CD, OK? If they all of a sudden go from selling 600 copies of their CD down to 50 copies, because the other 550 copies get downloaded for free, that's where it starts affecting real people with real money" (McIver, 2006, p. 279, emphasis original).

This argument has some validity. It appears to demonstrate the type of commitment to the scene and to its less successful members that Kahn-Harris (2007) argues is needed to build and maintain mundane sub-

cultural capital. However, it is contradicted by Ulrich's own assertion (McIver, 2006, p. 280) that the vast majority of Napster users download music by the established big-name artists and not the music produced by small unknown bands.

It is arguable whether the members of the hypothetical small band in Ulrich's example, who would probably hold down full-time jobs outside the music industry, would object to widespread (albeit free) distribution of their music. When Metallica was in this position, in 1982 and early 1983, it had encouraged fans to distribute free copies of its demo tapes widely. A small band in such a situation has little to lose by unrestricted free distribution of its material as there is little downside (its members are not financially dependent upon CD sales) but there is a real (albeit small) possibility of reaching a wide audience and becoming the next Metallica or Slayer. American death-metal band Job for a Cowboy, whose members were still teenagers in 2007, generated much surprise attention that year through its MySpace page (the band had 158,334 MySpace "friends"), a hype that resulted in the Arizona-based band's debut album *Genesis* entering the Top 100 of the Billboard charts (Malluk, 2007; Selzer, 2007). In claiming to represent and speak for small bands, in actual fact Ulrich had forgotten what it is like to be in a small band and the worldview and motivations that characterise this period in a band's life.

(b) *"The comparisons with the early 1980s tape-trading scene are inappropriate because the file-sharing behaviour that occurs through Napster differs in terms of both size and quality of copies made" (paraphrased).*

Ulrich also expresses his viewpoint on this issue. He argues that the bootlegging of a live show by an audience member who then distributes the tapes and the free tapes made available through the early-80s tape-trading scene are both fundamentally different from Napster and should not be compared. It is interesting to note that Rita Samiolo (*CPA Conference* discussant for this paper) shares Ulrich's view here. Ulrich in his 25 May 2000 comments specifically comes out in open support of bootlegging of live shows by audience members:

"First of all, you have to remember that you're talking to someone who advocates bootlegging. We have always let our fans tape our shows, we've always had a thing for bootlegging live materials, for special appearances, for that type of stuff. Knock yourselves out, bootleg the fuck out of it ... You know, home taping 10 or 15 years ago really was about, you had vinyl records, and you had the neighbour down the street with you know, his Iron Maiden records, that you wanted to make a tape of so you can play in your car. There is a difference [between that and] going on the internet and getting first generation, perfect digital copies of master recordings from all the world ... we're talking about a network that includes millions and millions of people, and tens and tens of millions of songs that these millions of people have, they can trade" (cited in McIver, 2006, p. 279).

This argument appears totally separate from the "support small bands" argument. Ulrich argues here that, qualitatively, Napster and the tape-trading scene are fundamentally different due to *both* the quality of the recordings *and* the scale of the reproduction. As Robert Delfino (2007, p. 240), Assistant Professor of Philosophy at St John's University, New York, has argued convincingly, tape-trading and Napster are in essence the same thing (only the scale differs) and so Ulrich's argument suggests either poor logic or the will to deceive. Firstly, the tape-trading scene produced second-hand or third-hand copies that were probably reasonably good; and secondly, mp3 files are not "perfect digital copies" of CDs, as they contain less information than CDs and can lower the sound quality, especially for heavy-metal music, producing "squishy" cymbal sounds. Delfino concludes that sound quality is subjective as is the quantity of copying needed to pose a problem; hence Ulrich falls into

(ethical) relativism. For Delfino and the present authors, either the tape-trading scene and Napster are both wrong (albeit on a different “scale”) or both are ethically OK. Why was it acceptable for the young Lars to “steal” music from Iron Maiden but not acceptable for the young fans of today to “steal” music from Metallica?²⁰

(c) *“Capitalism is all about the level playing-field so the rationale for the lawsuit is to maintain the level playing-field” (paraphrased).*

This argument reveals Ulrich’s normative vision of a capitalist utopia. However, Kahn-Harris (2007) has written about the presently existing “global inequities” in the production and consumption of music within the global extreme-metal scene. If all consumers must pay a fixed retail price of \$33 Australian dollars (the 2008 price) or the local currency equivalent for a new CD recording then this is not a level-playing field because each entrant in the race starts with a different handicap. Ulrich’s “level playing-field” appears to represent a naïve Thatcherian view of the superiority of the unimpeded free market, in other words the mental assignment of God-like status to the forces of demand and supply and granting these markets almost complete rein over human affairs (Amernic and Craig, 2004; Maddox, 2005, p. 25).²¹ Clearly Ulrich is referring to a level playing-field *for bands*; consumers of extreme-metal are completely bypassed and ignored. The “we” refers only to the band and to its commercial partners and associates in the music industry.

As stated earlier Metallica has re-defined and re-positioned its fans as a part of the “you”; in other words as “other” in relation to the band.

²⁰ Knowing the ethics and all-round good nature of Iron Maiden lead man Steve Harris, I don’t think Lars should expect a lawsuit from Iron Maiden any time soon.

²¹ In the 1980s in Australia this worldview was termed “economic rationalism” (see Langmore and Quiggin (1994) who applied the term to the free-market thinking of the Hawke-Keating Government who willingly sacrificed unemployment to get a reduction in inflation during the recession that Prime Minister Paul Keating famously said “we had to have”) and is now referred to as “neo-liberalism”.

An Anglo-American market capitalist mindset has come to represent the primary current of thinking within Metallica circles replacing the existentialist and “we” type metal-brotherhood lyrics found on the first four albums. Fans have become consumers, the band producers. This is despite the warning of Kahn-Harris (2007, p. 126, emphasis added) that: “[m]aking money from the scene involves *certain obligations* that must be met if members are to maintain sub-cultural capital”. As the ultimate arbiters and distributors of sub-cultural capital, the extreme-metal scene has severely penalized and disciplined Metallica as a result of the Napster incident for failing to conform to the scene’s ideals of ethical conduct.

The level playing-field argument can be used to reject almost any form of regulation or taxation over business activities other than those needed to ensure the successful operation of the free market. As such, taken in isolation, it is meaningless. Ulrich clearly believes that legal action against Napster was a necessary intervention so as to allow the forces of demand and supply in the market for new studio music recordings to operate efficiently and allocate resources to their most efficient ends. A level playing-field allows all bands, small and large, to compete with one another in a capitalist marketplace to generate profits and for (financial, not sub-cultural) capital accumulation. The only ethics involved here, in Ulrich’s thinking, is the ethics to let the market operate freely and without hindrances. Depriving people of benefits so as *to allow the free market to function more freely* is an ethical action according to Ulrich. Therefore, to take legal action against Napster was ethical. To allow fans to download Metallica music for free through Napster is unethical because it hinders Metallica’s rate of capital accumulation and, furthermore, may hinder the rate of capital accumulation for Metallica more severely than it hinders other bands’

rates of capital accumulation. Thus, in Ulricherian logic, taking legal action against Napster will restore the level playing-field *for Metallica*.

In any line of business, this attitude when taken to its logical conclusion, is disastrous and even more so for an extreme-metal band whose ongoing financial health and future album sales are in large part a positive function of the transgressive and mundane sub-cultural capital that the scene is willing to allow the band to possess and utilise at any particular point in time. Writing from a Marxist perspective, future use-values associated with a firm investing in advertising, research & development, and internally-generated goodwill cannot be controlled (or presumed upon) by a firm and so should not be recorded as assets on the Balance Sheet (Bryer, 1995, 1999). It is only *as labour is added in the production process* that value is created (Marx, 1976, 1978, 1981) and hence the production and valorization (wealth-creation) process should be viewed as being not separate but one and the same (Bryer, 2006).²²

The extreme-metal scene demands accountability from all of its members and when scene members break the scene's normative ethics and internal social contract it will impose a penalty upon the offending persons in the form of exclusion from social networks; hostile postings on online scene forums; and hostile homemade websites. Life may become so unbearable for offending persons that they may be forced with the choice of public "repentance" or exiting the scene. The scene's disciplinary power comes from the fact that members know that the sub-cultural capital of members, which was difficult and costly for them to obtain, is of little use if those people are forced to leave the scene. As Purcell (2003, p. 109) points out, "[m]etal heads often have no social

²² This of course assumes that all labour is "socially necessary" (Marx, 1976) and that the produced products can find a buyer (Marx, 1981, p. 294), by no means a certainty in nearly all branches of industry until production is completed and very often not even then (Mandel, 1978). "Even though the excess value of the commodity over its cost price arises in the immediate process of production, *it is only in the circulation process that it is realized ... it depends on market conditions whether or not this excess is realized and to what extent*" (Marx, 1981, p. 134, emphasis added).

status in the outside world, but they do have it in the scene". Scene "discipline" is an important form of Foucauldian localised resistance to the encroachment of mainstream commercial capitalist values into the scene and is the last line of protection against the scene losing its radical counter-cultural position as a form of *living critique* of the established society (Adorno, 1991a, 1991b; Marcuse, 1964, 1969).

In this regard it is instructive to compare the percentage of reviewers of Metallica albums on www.amazon.com (who are the general public and to a certain extent scene insiders) who rate 1984's *Ride The Lightning (RTL)* album with 3-stars or below (out of a possible 5 stars) as compared to the percentage rating the *St. Anger* (2003) album similarly lowly.²³ Whilst *RTL* received only 38 votes out of 772 (4.92%) in the 3-star or lower category, *St. Anger* received 2,440 out of 4,115 (59.29%) in the same category. Many fans appear to view each Metallica album since *RTL* as being inferior in quality to the one that immediately preceded it! The percentage of 3-star or lower reviews is as follows: 92 out of 1,213 (7.58%) for *MOP* (1986); 83 out of 814 (10.20%) for 1988's *...And Justice For All*; 263 out of 1,203 (21.86%) for 1991's black album; 269 out of 610 (44.10%) for 1996's *Load*; 288 out of 632 (45.56%) for 1997's *Reload*; and 59.29% for *St. Anger*.²⁴ Clearly there are some fans who consider Metallica to have been on a perpetual downward slide since 1984! Disillusionment towards Metallica seems to have set in progressively with some fans deserting the sinking ship as early as 1986 with others remaining loyal until as late as 2003. The above statistics

²³ The numbers of reviews are as at 8 May 2008.

²⁴ These statistics can be compared with those of death-metal band Deicide, a band that has remained brutal and never undertook any action to suggest that it was ever interested in crossing over to the mainstream. Its first album *Deicide* (1990) had 76 votes, of which 19 (25%) were 3-star or below. Its most recent album (as at the date of writing) 2006's *The Stench of Redemption* attracted 34 votes of which only 4 (1.18%) were 3-star or below. Clearly Deicide's continual commitment to brutal death-metal has seen its fanbase remain vociferously loyal; however the fanbase does not seem to have grown significantly in 16 years. The shock value of its anti-religious lyrics won it some opponents early on but the only people following the band's activities nowadays appear to be supporters.

indicate that most fans jumped ship either with the black album or with *Load*. If the percentage of Metallica-haters continues to grow then we might think that the percentage must eventually climb to 100%!

However, there is another side to the story. Judging purely by the number of music fan postings, *St. Anger* has generated more interest among music fans than *Load*, *Reload*, and the black album put together. Even the Metallica-haters remain interested in the band; not that many people are fence-sitters regarding Metallica and fewer still are uninterested. Adorno (1991b, p. 83) definitely had it right when he commented that: “[t]he satisfaction of curiosity by no means serves only the psychological economy of the subject, but directly serves material interests as well”.

The statistics indeed tell a remarkable story: The diversity of opinion regarding *St. Anger*’s merits can be seen by 1,013 people voting it 5-star (24.62%) and 1,525 people voting it the lowest possible rating of 1-star (37.06%). This is an incredibly high 2,538 people out of 4,115 (61.68%) who either totally loved or absolutely hated the album. As an extreme-metal band’s fan base grows beyond a certain point then by definition the fan base also becomes more diverse due to the relatively small size of the extreme-metal scene. As a result, once the band “crosses over” into “the mainstream”, much hardcore support from within the scene dries up; these people may “hang around” discussions of the band online for many years merely to voice their dissent and hostility. After all, the internet provides an excellent forum for expressions of dissent unrivalled by physical world locales. One can imagine that had Adorno and Marcuse lived to see the internet they would have examined it dialectically as something that provided a new vehicle for critique of the established society but which by and large would be recruited by the forces of capitalism and be used in the pursuit of the ends of capital

accumulation. However, Adorno's critique of the popular culture industry always retained a glimmer of hope and he would have shared the hopes of many today that counter-hegemonic expressions of critique and dissent would still exist on the internet (alongside capitalist marketing tools such as www.Metallica.com, the band's official website). Many of the 1-star ratings of *St. Anger* may in fact be an expression of a generalised hostility towards the band that had been fermenting since the Napster incident of 2000-2001.

We believe that the Metallica-haters comprise largely older fans aged in their 30s and 40s and dedicated extreme-metal scene members. By contrast, the Metallica-lovers probably comprise largely younger music fans and those without a specific background in extreme-metal. Younger extreme-metal fans may also blindly cheer on Metallica's recent efforts in a misguided attempt to signal their own credibility and sub-cultural capital to other members of the scene (Adorno, 1991b) not realising that the scene has moved on. As long as the overall number of people "interested in" Metallica continues to grow then the band may continue to sell large numbers of albums in the future *even if the percentage of people dissatisfied with each new release continues to rise!* However, clearly Metallica's *sub-cultural* capital within the extreme-metal scene has been declining consistently since the early-90s and this trend is now probably irreversible.

(d) "A carpenter has the right to dispose of the product he has created in any way that he chooses, so we also should be able to distribute or restrict distribution of our musical products in any way we deem fit" (paraphrased).

This analogy was also used by Ulrich in his public statement on 11 July 2000 at the case hearing on the United States Senate Judiciary in relation to the Napster incident (McIver, 2006, p. 282). The exact words spoken by Ulrich were as follows:

“Just like a carpenter who crafts a table gets to decide whether to keep it, sell it or give it away, shouldn’t we have the same options? My band authored the music which is Napster’s lifeblood. We should decide what happens to it, not Napster – a company with no rights in our recordings, which never invested a penny in Metallica’s music or had anything to do with its creation. The choice has been taken away from us”.

Ulrich considers that because, under the generally accepted laws and ethics of Anglo-American market capitalism, the carpenter who produces a table owns it and has the right to dispose of it in any way he sees fit, Metallica also has the right to dispose of its recorded music product in any way that it sees fit. In the case of a carpenter working in a family business situation, the argument about the table is very reasonable. However, the analogy is a false one. Metallica is now a commodity: successful rock stars, highly marketable, and associated with a major record label. In the terminology of the scene, the band has “crossed over” into “the mainstream”, or, if viewed in a more negative light, it has “sold out”.²⁵ Metallica is no longer a family business and has not been since (say) 1983 at the very latest. The analogy is either designed to deceive or it reveals logical chinks in Ulrich’s armour.

Ulrich’s statement ignores the internal logical contradiction of capitalism, that between the social ownership of production (in capitalism, all labour is socialised labour) and the private ownership of wealth (Lenin, 2008; Mao, 2007a). In the context of an extreme-metal band, that “social ownership” aspect applies in relation to production of

²⁵ Frequent debate occurs in online internet forums regarding which band has or has not “sold out” and few debates reach a generally accepted verdict. The phrase “sold out” also has no universally accepted definition. I may view a band as “selling out” whilst you may view it as “experimenting” or “maturing”. We have a contradiction: “selling” more records would generally be regarded as a positive thing but “selling out” certainly is not.

product (based on Marxist economics). More specifically, “social ownership” also well describes the ongoing maintenance of the vibrant life of the scene by its members and members’ concomitant right to receive enjoyment and sub-cultural capital from the scene. Purcell (2003, p. 36) speaks specifically of the social and communal aspect of death-metal concerts where a major reason for concert attendance is the social aspect. For Purcell (2003, p. 192), “[t]he American Death metal scene is not a place of vicious hostility; it is a place of brotherhood, camaraderie, and fun, tempered by the darkness that forms the backdrop of the metal reality”. There is an internal contradiction(s) in the essence of *all things*, according to Mao (2007a, 2007b), and this is also true in the extreme-metal scene.

The principal contradiction in the extreme-metal scene is as follows: Some bands do gain financially from participation in the scene but the scene is “owned” by the totality of its members. Ultimately *it is the scene* which allows individuals and bands to accumulate and expend sub-cultural capital and the scene can likewise freely confiscate (or devalue or discount if the word “confiscate” seems too drastic) such sub-cultural capital. The contemporary examples of Cannibal Corpse, Immolation, Incantation, Nile, Obituary, Suffocation, and Vader in the death-metal scene clearly attest to the hypothesis that sub-cultural capital is in the long run positively associated both with respect and with album sales (at least until the band crosses over and has mainstream success).

Ulrich’s carpenter’s table analogy is interesting and revealing for another reason. In his discussion of commodity-fetishism in Chapter 1 of Volume 1 of *Capital*, Marx (1976) specifically gives the example of the carpenter’s table (as commodity) taking on mystical qualities and rising up to haunt its creator, standing up on its own hind legs as “Capital” (see also Derrida, 1994, pp. 186-210; Marx, 1975). The theory of commodity

fetishism is a direct extension of the young Marx's theory of alienation in the 1844 *Manuscripts* where the worker is alienated from the product produced (as well as from (b) the act of producing, (c) her / his *species-being* or true nature, and (d) other people), which stands up in opposition to her / him to oppose her / him (Marx, 1994, pp. 62-65). The young Marx describes the hostile form of the commodity which stands up to oppose the alienated worker as follows:

“... the more the worker exerts himself in his work, the more powerful the alien, objective world becomes which he brings into being over against himself, the poorer he and his inner world become, and the less they belong to him. It is the same in religion. The more a man puts into God, the less they belong to him. The worker places his life in the object; but now it no longer belongs to him, but to the object. The greater his activity, therefore, the fewer objects the worker possesses. What the product of his labour is, he is not. Therefore, the greater this product, the less is he himself. The externalization [alienation] of the worker in his product means not only that his labour becomes an object, an *external* existence, but that it exists *outside him*, independently of him and alien to him, and begins to confront him as an autonomous power; that the life which he has bestowed on the object confronts him as hostile and alien” (Marx, 1975, p. 324, emphasis original).

Marx (1981, p. 126) defines capital as money “invested in order to produce a profit”. Therefore, it is capital (rather than money or individual businesspeople) which is the contradiction of living labour and it is capital which stands up in opposition to the worker to oppose her / him.²⁶ If money is *not* invested in order to make a profit (e.g. in the feudal mode of production), then we have only use-values and the carpenter's table is not able to haunt its creator; it remains simply a table. However, once it is produced by a capitalist and sold on the market, the table takes on mystical qualities and enters into mystical relations not only with its creator but also with other tables. In Marx's (1976, pp. 163-164) words:

“A commodity appears at first sight an extremely obvious, trivial thing. But its analysis brings out that it is a very strange thing, abounding in metaphysical

²⁶ “Hence the capitalist must constantly confront him [the wage-labourer] as money capitalist and his capital as money capital” (Marx, 1978, p. 119).

subtleties and theological niceties. So far as it is a use-value, there is nothing mysterious about it, whether we consider it from the point of view that by its properties it satisfies human needs, or that it first takes on these properties as the product of human labour. It is absolutely clear that, by his activity, man changes the forms of the materials of nature in such a way as to make them useful to him. The form of wood, for instance, is altered if a table is made out of it. Nevertheless the table continues to be wood, an ordinary, sensuous thing. But as soon as it emerges as a commodity, it changes into a thing which transcends sensuousness. It not only stands with its feet on the ground, but, in relation to all other commodities, it stands on its head, and evolves out of its wooden brain grotesque ideas, far more wonderful than if it were to begin dancing of its own free will”.

In Marx (1975, p. 324), the commodity stands up and dances in front of only the worker whereas in Marx (1976, pp. 163-164) the commodity stands up and dances in front of other commodities as well as consumers. A commodity recognises something of itself in all other commodities. Commodity A knows that it is a commodity only because Commodity B (to which it is related through the exchange relation) serves as a mirror in which its own true nature can be observed (Marx, 1976, p. 144). Hence, we have tables dancing together in apparent relationship and intimate association. To explain this, Marx (1976, p. 144, fn. 19) notes that Peter can know his true nature as a man after he observes another man, Paul, in whom his own nature is reflected. We have all walked past car dealerships at night where the gleaming polished vehicles with prices emblazoned on their windscreens seem to beckon to the passer-by and try valiantly to out-do each other.

For Marx (1976), commodities are all made up of abstract human labour. The “value” of any commodity is measured as the quantity of accumulated labour time contained within it. At the moment of commodity exchange on the market the private labour of each individual producer becomes socialised labour (*ibid.*, p. 165). All commodities can be expressed in a value relation to one another based exclusively upon the quantity of abstract human labour congealed within them. Therefore, Marx talks of commodities having a common language, “the language of

commodities” (*ibid.*, p. 143, see also *ibid.*, p. 176), and having “mystical character” (*ibid.*, p. 164).

Commodity production under capitalism is described as “magic and necromancy” (Marx, 1976, p. 169) since it obscures a social relation among men. What appears as a material relation between things hides the social relation between people that comes into being at the moment of commodity exchange. Only the “material shell” (*ibid.*, p. 185) is visible in such relations between things and so a social relation between people takes on the mystical substance of a relation between things. The commodities are injected with life. In Metallica’s own words, we have “the whipping dance of the dead” (lyrics to “Blackened” on ...*And Justice for All* (1988)). Marx (1976, p. 143) writes that: “Despite its buttoned-up appearance, the linen [Commodity A] recognizes in it [the coat, i.e., Commodity B] a splendid kindred soul, the soul of value”. Each commodity is a “citizen of that world”, i.e., “the whole world of commodities” (*ibid.*, p. 155). As Trotsky (2004) makes clear, a true Marxist critique must aim to *reveal* the social relations hidden and obscured by market (economic) relations. A “Marxist criticism ... calls things by their real names” (*ibid.*, p. 233) and hence it is “part of our liberation” (Eagleton, 2002, p. 70).

Conclusion

The recording industry is presently experiencing massive structural change not of its own choosing. We use as a case study the Metallica lawsuit against Napster in 2000-01 to analyse and unpack key issues impacting upon the industry as well as the warped logic and greed of some of its key protagonists. We analyse, principally from the perspective of existentialism and Marxist economics, key public statements made by members of Metallica during the Napster incident. We conclude that the band's worldview appears to be a confused amalgam of traditional fraternal extreme-metal scene ethics and a particularly brutal form of Anglo-American market capitalism (Adorno, 1991a, 1991b; Marcuse, 1964; Walser, 1993).

The extreme-metal scene requires accountability from its members and when scene members break the scene's normative ethics and internal social contract it will impose a penalty upon the offending persons in the form of exclusion from social networks; hostile postings on online scene forums; and homemade anti-band websites. Metallica appears to have broken the social contract and the scene has imposed its own internal discipline upon the band and its members. Life may become so unbearable for offending members that they may be forced with the choice of public "repentance" or exiting the scene. The scene's disciplinary power comes from the fact that members know that the sub-cultural capital of members, which was difficult and costly for them to obtain, is of little use if these people are forced to leave the scene. Scene "discipline" is an important form of Foucauldian localised resistance to the encroachment of mainstream commercial capitalist values into the scene (Adorno, 1991a, 1991b; Baulch, 2003; Kahn-Harris, 2007) and is the last line of protection against the scene losing its radical counter-cultural position as a form of *living critique* of the established society

(Adorno, 1991a, 1991b; Marcuse, 1964, 1969). Financially at least Metallica has not suffered greatly from the scene's discipline due to the fact that many of its fans now come from outside the scene. Many younger fans even from within the scene remain loyal to Metallica since they have not "grown older" with the band and hence are not able to see how far from grace it has fallen. Younger fans both from within and outside the scene remain relatively uncritical of the band (Adorno, 1991b) and are rapidly becoming the largest purchasers of Metallica merchandise.

The use of the carpenter's table example by Marx to illustrate commodity-fetishism was probably unbeknown to Ulrich unless he was being haunted in one of his private moments by one of the "spectres of Marx" as Derrida would have us believe?²⁷ What we have appears to be a Freudian (or Marxian?) slip by Ulrich. Marx was using the dancing table example to illustrate a negative aspect of capitalism. The dancing table is a lie or an appearance only since it hides a social relation among men. However, Ulrich appears to view his dancing table (all tables produced by the capitalist mode of production are dancing tables) in a positive light since he states that Napster was in the wrong by violating the rights of the individual capitalist to be able to sell his carpenter's table (i.e. his music) unhindered on the free market. In an act of what Jacques Derrida would term "deconstruction" (see McKernan and Kosmala, 2007), Marx tries to remove the veil. It is not natural for tables to dance and Marx

²⁷ The ghost of Cliff Burton (1962-1986) may well have been haunting Lars as well: early band pictures of Burton's boyish grin, capped teeth, flowing locks, Misfits T-shirt, denim jacket, and faded jeans continue to testify as to the extent to which the Ulrich and Hetfield of today have been captured and destroyed by the capitalist machine. Burton remains forever 24-years-old, youthful, idealistic, and a metalhead until the end. His parents' humility and warmth, speaking from their San Francisco home not long after their son's death, remain a vivid witness today about the true spirit of Metallica that lives on in the memory of Burton. Ulrich and Hetfield are finding out that they can't kill or sue the dead; everyone else has been silenced. Burton's last writing credit on the track "To Live Is To Die" contains the following eerily prophetic (in more ways than one) lines: "When a man lies, he murders some part of the world / These are the pale deaths which men miscall their lives / All this I cannot bear to witness any longer / Cannot The Kingdom of Salvation take me home?"

provides a vivid description of such an event so as to arrest our attention and direct us to the hidden reality lurking beneath the apparent appearance of things. By contrast Ulrich is content to worship the dancing table (although he would probably deny that it dances!) In direct contrast to Marx, Ulrich's aim is to divert our attention *from* the hidden social relations that the marketplace obscures. How different is Ulrich's bourgeois capitalist utopia of 2000 from his band's fraternal and existentialist utopia of 1983-1984!

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